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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of:

Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Service in South Carolina	)))))	CC Docket No. 97-208

AFFIDAVIT OF MELISSA L. CLOSZ
ON BEHALF OF SPRINT COMMUNICATIONS COMPANY, L.P.

I, Melissa L. Closz, being first duly sworn upon oath, hereby depose and state as follows:

1. My name is Melissa L. Closz. My business address is 151 Southall Lane, Maitland, Florida 32751. I am employed by Sprint Communications Company L. P. ("Sprint") as Director-Local Market Development. My present responsibilities include representation of Sprint in interconnection negotiations with BellSouth Telecommunications, Inc. ("BellSouth"). In addition, I am responsible for coordinating Sprint's entry into the local markets within BellSouth's states. I also interface with BellSouth's account team supporting Sprint to communicate service and operational issues and requirements.

Education and Professional Experience

2. I have a Master of Business Administration degree from Georgia State University in Atlanta, Georgia and a Bachelor of Business Administration degree from Texas Christian University in Fort Worth, Texas. I have been employed by Sprint for over six years and have been in

my current position since February, 1997. I began my telecommunications career in 1983 when I joined AT&T Long Lines progressing through various sales and sales management positions. In 1989, I joined Sprint's Long Distance Division as Group Manager, Market Management and Customer Support in Sprint's Intermediaries Marketing Group. In this capacity, I was responsible for optimizing revenue growth from products and promotions targeting association member benefit programs, sales agents and resellers. I owned and operated a consumer marketing franchise in 1991 and 1992 before accepting the General Manager position for Sprint's Florida unit of United Telephone Long Distance (UTLD). In this role, I directed marketing and sales, operational support and customer service for this long distance resale operation. In Sprint's Local Telecommunications Division, in 1993, I was charged with establishing the Sales and Technical Support organization for Carrier and Enhanced Service Markets. My team interfaced with interexchange carriers, wireless companies and competitive access providers. After leading the business plan development for Sprint Metropolitan Networks, Inc. ("SMNI"), I became General Manager in 1995. In this capacity I directed the business deployment effort for Sprint's first CLEC operation, including its network infrastructure, marketing and product plans, sales management and all aspects of operational and customer support.

Purpose of Affidavit

3. The purpose of this affidavit is to provide input to the Federal Communications Commission ("FCC") on issues relevant to BellSouth's application for provision of in-region, interLATA services in South Carolina. Sprint's perspective is that of a competitive local exchange

carrier ("CLEC") working to achieve operational readiness for local market entry in South Carolina. Accordingly, I will discuss issues relevant to BellSouth's ability to provide nondiscriminatory access to operational support systems, Sprint's operational experience as a CLEC in Florida, as well as the role that performance measurements must play in documenting BellSouth's ability to meet its parity and nondiscrimination obligations.

Status of Sprint-BellSouth Interconnection Agreement

4. Sprint is in the process of negotiating its interconnection agreement with BellSouth in South Carolina. Sprint has completed interconnection agreements with BellSouth in Florida, Georgia and North Carolina and is continuing negotiations in all remaining states in which BellSouth provides local exchange service. Sprint is also working to achieve operational readiness for local market entry in South Carolina and all other states served by BellSouth.

Sprint's CLEC Experience in BellSouth Service Area

5. Sprint Metropolitan Networks, Inc. ("SMNI"), is operating as a CLEC in BellSouth territory in Orlando, Florida.[1] SMNI began operations subsequent to passage of Florida's Telecommunications Reform Act in May, 1995, and has been providing local exchange services to business customers since July, 1996.

6. SMNI operates as a facilities-based CLEC with its own central office switch located in downtown Orlando. It has a fiber optic backbone network which connects fiber facilities deployed in several commercial business parks and provides for interconnection to the incumbent local exchange companies ("ILECs") serving the Metropolitan Orlando area.

[1] SMNI was merged into Sprint Communications Company L.P., effective October 1, 1997.

SMNI markets a broad range of local exchange services to business customers and provisions those services through a combination of direct fiber connections to commercial facilities and services leased from BellSouth. Services leased from BellSouth include local loops, interim local number portability, interconnection trunking and interoffice trunking.

7. SMNI began ordering and provisioning unbundled loops from BellSouth in May, 1996, and activated its first business customer in July, 1996. SMNI has endured ongoing operational problems with respect to securing unbundled network elements from BellSouth, including local loops and interim number portability.

8. Sprint's experiences in Florida are relevant to the Commission's consideration of BellSouth's application for in-region, interLATA authorization in South Carolina because the processes and systems used by BellSouth in support of unbundled network elements are consistent across BellSouth's nine-state region. This means that the underlying process issues that have negatively impacted SMNI in Florida will also impact CLECs' ability to secure unbundled network elements from BellSouth in South Carolina. In fact, there is no reason whatsoever to believe that CLECs utilizing unbundled network elements from BellSouth in South Carolina would have any different, or better, experience than the SMNI experience in Florida.

Operational Support Systems and Parity

9. The competitive checklist in Section 271(c) of the Telecommunications Act of 1996 ('Act") includes nondiscriminatory access to network elements. Operational support systems ("OSS") have been defined as a network element by the FCC in its First Report and Order in

CC Docket No. 96-98 (issued August 8, 1996). More specifically, BellSouth has an obligation to provide new entrants nondiscriminatory access to the systems utilized for the various OSS functions including Pre-Order, Ordering & Provisioning, Maintenance, Usage and Billing.

10. "Pre-Order" can be described as preparatory work necessary to submit an accurate and complete order. Pre-Order includes information such as address verification, services & features availability, telephone number assignment, dispatch scheduling, establishment of due date, and access to customer service records. This information is obtained from the ILEC's OSS platforms.

11. "Ordering/Provisioning" is the function of actually submitting a request into the incumbent LEC's OSS for a set of products, services, and unbundled elements so that service can be provisioned. Provisioning is the process of implementing an order for telecommunications service. This includes the exchange of information including order verification, firm order confirmation ("FOC"), service order status, jeopardy reporting, and order completion.

12. "Maintenance" is the function utilized by the CLEC to report and monitor problems with services provided by the ILEC. It includes generation of trouble reports, troubleshooting, status updates, and reporting.

13. "Usage" is the function where the ILEC sends to the CLEC the call detail records necessary for the CLEC to bill its end users. An example of this is the call detail records created when a CLEC end user makes a telephone call.

14. "Billing" is the function whereby the ILEC submits information in the form of call detail records to the CLEC for the services the ILEC has provided to the CLEC, i.e., the wholesale invoice for services resold by the CLEC.

15. All of these functions are critical in providing service to the customer that is equal to or better than the service that the CLEC can provide. It is imperative that CLECs are provided nondiscriminatory access to the ILEC's OSS databases.

16. Nondiscriminatory access in this regard means the OSS interfaces must provide (1) equivalence to the ILEC for information availability and accessibility, (2) equivalence of information accuracy, and (3) equivalence of information timeliness to OSS functions as an agent of the customer.

17. Nondiscrimination, sometimes referred to as parity, is a prevalent theme throughout the Act and the FCC's First Report and Order. It is the standard that has been set to ensure an environment is created that is conducive to competition. A lesser standard would certainly hinder competition. Since the Act seeks to create an environment where effective competition can take place, it is clear that anything less than nondiscriminatory access to OSS is unacceptable in accomplishing our goal.

18. For an interface to provide nondiscriminatory access to an incumbent LEC's OSS, it must demonstrate the following requirements to keep these interfaces and access to OSS databases at parity with the incumbent LEC's retail organization.

Electronic Interface. A machine-to-machine interface (computer application program to computer application program) that enables a fully electronic interaction between the incumbent LEC's OSS and the new entrant's OSS is required. These transactions must flow

through electronically between OSS databases with no human intervention.

Equivalence of Information. The interface from the incumbent LEC's OSS must have at least the same functional information from their operations support functions and offer parity in accuracy, response times, and timeliness.

Documentation. The documentation of each interface needs to be adequately completed and communicated in advance to enable CLECs the opportunity to create the interfaces and to develop the appropriate operational procedures.

Operability Testing. The interfaces need to be tested in a real world environment to determine that a parity level of service can be offered with an equivalence of information timeliness.

Standards Based. The interfaces need to be based upon uniform national standards. Uniform national standards should be formulated by the Alliance for Telecommunications Industry Solutions ("ATIS"). Deadlines should be imposed for the implementation of the standards developed by the ATIS industry forum. Without standards, Sprint is required to build a separate interface for each incumbent LEC which increases costs and impacts the capability to provide a quality level of service to the customer.

19. Fundamentally, Sprint believes that nondiscriminatory access to operational support systems encompasses more than merely publishing descriptions of the functionality that the systems are intended to provide. It is achieved when the systems interfaces are functioning in a real world operating environment such that the resulting experience for the CLEC's end user customer is at parity with what BellSouth provides its own customers. This is the only

true test of whether the nondiscriminatory access test with respect to operational support systems has been met.

20. Sprint does not believe that BellSouth's currently deployed operational support systems interfaces meet the standard of nondiscriminatory access. While BellSouth continues to add functionality to its current interfaces and develop new machine-to-machine interfaces consistent with evolving industry standards, the interfaces BellSouth has introduced to date are not fully deployed and tested, are interim solutions and are not at parity with BellSouth's own retail systems.

21. BellSouth has recently introduced several interim interfaces for use by the CLEC community. These interfaces still support only certain products, features, and service order parameters. Many new releases designed to fill these gaps in the functionality needed to provide nondiscriminatory access are planned by BellSouth. But until these interfaces are fully developed, deployed and tested in a real world operating environment, their ability to provide parity to what BellSouth experiences in providing service to its own customers will not be known.

22. In testimony presented in several states in conjunction with BellSouth Section 271 proceedings, as well as in paragraph 4 of Mr. Stacy's Affidavit, BellSouth has asserted that interfaces for each function are fully operational. While Sprint does not dispute BellSouth's assertion that the interfaces discussed in its testimony are operational, it is important to point out that there are numerous gaps in functionality that are still being addressed.

23. For example, electronic access to Customer Service Record ("CSR") information has only recently become available. Sprint personnel have been advised through attendance at

BellSouth training sessions that CLECs will not have the same ability as BellSouth's own retail operation to view and print multiple pages of a CSR. LENS, BellSouth's pre-order interface system for competitive providers, will only enable CLECs to view and print the first 50 pages of the customer's record. A phone call to the Local Carrier Service Center (LCSC) is then required to obtain the additional pages in the record. In addition, rates of service and equipment items displayed on the CSR are not presented in LENS. This creates a problem in that customers may be exempt from paying for certain items represented by Universal Service Order Codes ("USOCs") on the CSR. If the USOC is displayed without the associated charge rendered to the customer, a CLEC's service representative will not be able to know whether the USOC is a "non-rated" item. This scenario exists, for example, where customers are exempt from Subscriber Line Charges ("SLCs"). These small differences in functionality have a significant negative impact to a CLEC's sales or service representative's productivity, particularly when dealing with large, multi-line business customers. There is also a corresponding impact as far as being able to provide a CLEC customer with the same experience that BellSouth provides its own customers.

24. Moreover, until electronic access to CSRs is tested in a "live" operating environment and experience is gained serving customers with this new functionality, its ability to provide parity in the customer experience is unknown.

25. BellSouth's affiant, Mr. Stacy, in paragraph 6 of his Affidavit, says, "pre-ordering information- such as obtaining telephone numbers and installation dates- is not necessary for competing for the huge installed base of existing customers who only want (at most) to switch service providers." Obtaining telephone numbers and installation dates, however,

involves just a small portion of the data necessary to properly provide CLEC service. Sprint's experience as a CLEC in Florida and in other states, both as a resale and facilities-based provider, has without exception demonstrated that real time, interactive access to CSR information is absolutely critical to providing accurate service pricing information and other service enhancement recommendations. It is well known within telecommunications sales and service organizations that many customers do not know exactly what services and features they have, or may believe that they subscribe to certain features, when in actuality, they do not. CLECs must be able to view and access this information in parity with BellSouth in order to provide parity with respect to the customer's service experience.

26. With respect to ordering, BellSouth states in its South Carolina 271 application that it does not rely on LENS to meet its nondiscriminatory access obligation. However, many CLECs, due to cost and technology considerations, will need to rely upon LENS for the foreseeable future. Moreover, while LENS does not currently support all products or order types, it is the only interface available which provides some capability to integrate pre-order and order functions. This is essential to reducing errors which will inevitably occur from the manual transfer of information between pre-order and ordering interfaces. This issue is also relevant for BellSouth's "preferred" interface for ordering, EDI, since there is no pre-order capability with EDI.

27. As such, Sprint believes that LENS' ability to function in support of CLEC ordering is relevant to this Commission's evaluation of BellSouth's current capability to meet the nondiscriminatory access standard.

28. Although BellSouth claims that LENS is fully operational, numerous shortcomings lead to the conclusion that it is not. For example, CLECs are unable to submit change orders when an error has been identified or when the customer changes his order. CLECs must cancel and re-issue these orders with the probable result of an extended due date for the customer. The functionality to issue a "change" order is still under development.

29. In addition, if a customer has already converted to a CLEC's service and wishes to add or remove features, LENS will not currently support this "change" order. A paper Local Service Request ("LSR") submitted via facsimile to the LCSC is required.

30. With LENS, the access to dedicated facility information is available only after the due date is assigned. Dedicated facility information enables a representative to immediately offer the same day service on a new install that does not require adding additional lines or jacks. Because LENS requires the due date to be established before dedicated facility information is made available, the service representative could provide the incorrect information to the customer. A change in due date cannot be accomplished without a call to the LCSC. The result of this limitation within LENS is that the process is error prone, requires additional expense to make changes and causes customer confusion.

31. As another example, BellSouth's affiant, Mr. Stacy, has stated in paragraph 59 of his Affidavit that unbundled network elements such as loops, ports, and interim number portability can be ordered via LENS. However, Sprint has been advised by BellSouth that this capability is the functional equivalent of submitting these orders via facsimile, and that actual on-line ordering capability for unbundled network elements will not be introduced until some point in the future. Using LENS, unbundled network element order information

is entered into the "Remarks" section of the order screen and is manually retrieved and re-entered by BellSouth. Sprint's current experience in ordering unbundled network elements from BellSouth in Florida, which I will discuss in more detail later, demonstrates that exchange of information which is dependent upon human intervention is subject to error and ultimately results in a diminished level of service to CLEC customers. Sprint believes that this is a good example of where a system's availability clearly does not equate to "fully operational."

32. LENS also does not provide a new entrant with the same on-line, front end edits available in BellSouth's internal OSS systems. On-line edits check for errors and prevent the release of orders until the service representative corrects such errors. LENS only looks for the presence of data in required fields and, therefore, would release orders with errors that internal OSS systems would not release. Without on-line edits, submitted orders are more likely to be later rejected and must be resubmitted. The cycle time for that process will cause delays in providing service to customers, as well as increase transaction costs.

33. With respect to BellSouth's Trouble Analysis and Facilities Interface ("TAFI"), BellSouth has stated that TAFI can be used to submit troubles associated with unbundled network elements such as unbundled ports or interim number portability, and that TAFI is the "appropriate" system to report troubles on these unbundled network elements. Sprint, however, has been advised that the functionality to report troubles on unbundled ports and interim number portability is the equivalent of sending a facsimile transmission since human intervention will be required to retrieve the information and re-enter such troubles into the appropriate BellSouth system. Clearly, this does not equate to "access" to BellSouth's

underlying OSS and most definitively is not access to the information and functions in BellSouth's operational support systems in substantially the same time and manner as BellSouth has access for its retail customers, as BellSouth claims.

34. SMNI, Sprint's facilities-based operation in Florida, has first hand experience in utilizing BellSouth's operational support systems. SMNI is provisioning service to customers utilizing unbundled network elements obtained from BellSouth. Since SMNI has its own central office switch and a limited fiber optic backbone network, it must order numerous service types from BellSouth including local loops, local number portability, directory listings, interoffice trunks and local interconnection trunks.

35. SMNI currently utilizes EXACT to electronically transmit local loop orders to BellSouth. This electronic transmission medium was introduced to SMNI in May, 1997, by the BellSouth Account Team assigned to Sprint and SMNI as CLEC customers. This team from BellSouth assists Sprint in determining the OSS interfaces that will optimize OSS integration, functionality, and reliability.

36. In order to fully provision service to SMNI end users, however, SMNI must place separate service orders with BellSouth for local number portability (if the customer is keeping his BellSouth number) and for the customer's directory listing. These are currently being processed via facsimile.

37. With this process, there is no way to electronically coordinate the receipt of these orders by BellSouth, and there is no way for the SMNI service representative to know which BellSouth representative will receive the EXACT order processed. As such, a telephone

follow-up by the SMNI service representative is required to insure that the orders are properly coordinated.

38. Customer Service Record ("CSR") information, a critical part of the pre-order process, is currently being received via facsimile exchange with BellSouth. SMNI is aware that LENS is available for transmission of the directory listing order and receiving the CSR information, but has found it unacceptable to insert another interface into what can only be described as an inherently immature and cumbersome order process. Moreover, electronic transmission would not eliminate the burden of coordinating the orders since EXACT and LENS do not interface with each other.

39. Sprint has been criticized by BellSouth in other proceedings for not utilizing what it refers to as its preferred ordering interface, EDI. As stated previously, SMNI adopted the EXACT interface at the recommendation of BellSouth's own account team. Despite BellSouth's critique in regulatory forums, the account team continues to endorse and recommend the use of EXACT for transmission of local loop orders. This is consistent with Sprint's understanding that unbundled network elements ordered via EDI did not "flow through" BellSouth's systems. Rather, they were manually retrieved and re-entered, which represented no improvement over SMNI's use of EXACT.

40. Sprint, as a result, sent a written request to BellSouth September 19, 1997, asking for clarification relative to its capabilities in support of unbundled network element orders. This request also asks for information about any manual intervention that may be required in order to process these orders.

41. Although a response to this request has not yet been received, Sprint now learns from one of BellSouth's affiants in these proceedings, William Stacy (paragraph 58), that "Mechanized service order generation for the main unbundled network elements (loop, port, INP, loop + INP) will be available as of October 6, 1997."

42. While Sprint, absent any notification or documentation, cannot comment on BellSouth's purported new capabilities, it seems obvious from this scenario that BellSouth's OSS support of unbundled network elements is in a highly developmental state. These capabilities must be communicated, documented and tested in a real world operating environment to determine whether they meet the nondiscriminatory access standard.

43. The practical reality of BellSouth's current OSS deployment is that CLECs ordering unbundled network elements will have to interface separately with multiple BellSouth systems to accomplish service establishment. This multi-system interface required in order to provide end user customers with service is both operationally and functionally burdensome for CLECs and most certainly does not provide a parity experience for CLEC customers.

44. In sum, today BellSouth does not offer an electronic machine-to-machine "flow through" for orders. Rather, these transactions depend upon a combination of interfaces which rely upon machine and human interactions.

45. The inferior functionality of BellSouth's current operational support systems has impacted SMNI's ability to provide quality service to its customers. In order to continue to operate in this environment, SMNI has found it necessary to add personnel whose sole responsibility is to hand walk the customer's orders through the pre-order, ordering and provisioning

processes. Beyond the higher operating costs and cumbersome administrative environment, the result to customers has been lengthy service installation intervals and an extended sales process.

46. Earlier in this testimony, it was noted that the interfaces introduced by BellSouth for use by CLECs are only interim solutions. This is consistent with Sprint's observations in other regions where ILECs have developed, in most cases, a Graphical User Interface ("GUI") in front of their legacy or retail systems, or relied upon other standard transmission methodologies such as EDI which still require manual-to-machine intervention.

47. There are numerous shortcomings in an interim interface such as LENS because it does not conform to industry standards and does not provide complete flow-through to the CLECs' own operational support systems.

48. LENS is different from industry standard interfaces in that it is a proprietary system. BellSouth owns and controls the design of LENS and does not have any obligation to conform to any industry standards or guidelines. This creates several problems. Under a proprietary system, the RBOC can make unilateral changes to the system. Unilaterally imposed changes can be expensive and disruptive for new entrants. In contrast, a system based on national standards (i.e., a non-proprietary system) is more stable because it is not subject to unilateral changes. A new entrant can plan and implement its operations more efficiently and effectively if the OSS interface is stable.

49. Another drawback to proprietary systems like LENS is that such systems typically are unique to that particular ILEC. Consequently, CLECs who conduct business with more than one carrier have to operate with multiple OSS interfaces, which increases costs and

decreases a CLEC's operational effectiveness and efficiency. Systems based on national standards alleviate that problem. BellSouth has complete control over the frequency of changes and the format in which data is presented and communicated. Permanent interfaces will use national standards.

50. In addition, LENS provides a human-to-machine interface whereas permanent interfaces enable a machine-to-machine interface. Whenever manual interfaces and intervention are introduced, the possibility of delay and errors increases. These errors are costly, not only in terms of the number of additional people that are required to process and provide quality control, but it also impacts the level of service that a CLEC can provide to its end-user customers. Manual interfaces actually require a service representative to manually input data into the BellSouth OSS and then manually input that data again into the CLEC's own OSS databases. Without a direct electronic interface, the service representative actually has to perform the manual interface between the incumbent OSS and the CLEC's OSS.

51. BellSouth's EDI ordering interface does not meet the criteria of a nondiscriminatory interface. The interface will still involve manual intervention by both the CLEC and BellSouth for simple and complex orders. The EDI ordering interface requires additional human intervention on the part of CLECs because the EDI interface is not integrated with an electronic interface for pre-ordering functions. CLECs, therefore, must manually input pre-ordering information into the EDI service order. In contrast, BellSouth's OSS for ordering is integrated with its OSS for pre-ordering, which allows BellSouth to populate its service records electronically with pre-ordering information. The EDI ordering interface also may require additional human intervention by BellSouth. If CLECs must use interfaces

that require manual intervention in comparison to the electronic access which BellSouth provides itself to its own OSS ordering and provisioning functions, then BellSouth is not providing CLECs with nondiscriminatory access to OSS.

52. Conformance of operational support systems to industry standards is critical to CLECs being afforded a reasonable opportunity to compete. The lack of industry standard OSS interfaces means that CLECs may have to use different interfaces for each RBOC or independent telephone company market served. Since every GUI system is unique, significant development, administration and training expenses will be incurred by every CLEC that chooses to operate in more than one ILEC market.

53. CLECs will be significantly disadvantaged in a competitive local market from both a time and cost perspective if forced to develop numerous system interfaces and provide training and administrative support for multiple systems and processes.

54. BellSouth, like many other ILECs, has proposed "customized" electronic interfaces that reside in front of the many systems the ILEC uses itself. These interfaces will conform to industry standards whenever possible and provide full systems flow-through, or "electronic bonding." As of this date, these interfaces have not been designed, tested or released to the CLEC community. Further, until the systems have been operational in a real world environment and functioning to support CLEC customers, it cannot be determined whether they are adequate to meet the nondiscriminatory access standard.

55. Deficiencies in LENS affect CLECs and their customers in several ways. A CLEC must use manual processes to submit orders and receive provisioning information for those services and other products that cannot be ordered via LENS. In addition, CLECs must use manual

processes to input LENS information into the CLEC's OSS because LENS, as previously discussed, is a human-to-machine interface. Manual processes are more expensive, slower, and more prone to errors, all of which adversely affect the new entrant's ability to provide its customers with service at the same level of quality service that BellSouth can provide its customers. In short, BellSouth's interim OSS interfaces do not provide a new entrant with nondiscriminatory access to BellSouth's OSS or a meaningful opportunity to compete.

56. In conclusion, Sprint does not believe that BellSouth's current operational support systems meet the nondiscriminatory access standard.

BellSouth's Provision of Unbundled Network Elements in Support of Sprint's CLEC Affiliate in Florida, SMNI

57. As referenced earlier, SMNI has been procuring unbundled network elements from BellSouth for use in providing local exchange service to business customers since July, 1996. Since that time and continuing to this date, SMNI has encountered numerous challenges in attempting to acquire these services from BellSouth. These challenges include poor communications, ineffective processes, lack of performance and maintenance problems. The result has been increased operational costs, loss of revenue, loss of customers and a damaged reputation as a local exchange service provider.

58. It is important to note that Sprint is not claiming to be error free and is not attempting in any way to hold BellSouth accountable for Sprint actions. That is why the processes and service incidents referenced in this affidavit are exclusively related to BellSouth performance accountabilities that are beyond Sprint's control.

Firm Order Confirmations

59. Problems are occurring in virtually all phases of the customer activation process. For example, BellSouth regularly misses its commitment to provide Firm Order Confirmation ("FOC") to SMNI within 48 hours of receipt of a complete and accurate order.[2] These delays frequently cause installations to be postponed, meaning that SMNI misses the due date commitment to its customer. In addition, on numerous occasions BellSouth has failed to or been unable to stop service disconnection orders from being processed when the cutover to SMNI service has been delayed. BellSouth also consistently fails to notify SMNI in a timely fashion of facilities issues which will prevent SMNI from meeting its due date commitment to the customer. Such notification by BellSouth is frequently within a few days of the scheduled due date and typically requires postponement of the service installation. Cutovers have also intermittently been incomplete due to BellSouth provisioning, equipment or network capacity issues. SMNI's wholesale bill has also been problematic. Rate elements have been repeatedly mis-applied and SMNI has had to request adjustments every month. Incorrect provisioning of circuit orders has also caused post-cutover problems such as diminished data transmission capability.

60. These problems have been communicated in detail to BellSouth personnel both verbally and in writing on an ongoing basis beginning as early as October, 1996. Efforts to advise BellSouth of SMNI's operational issues include telephone conversations and face-to-face meetings with BellSouth's account team charged with supporting Sprint's interface as a

[2] FOCs are notifications from BellSouth that SMNI's orders have been received and indicate whether or not BellSouth can meet the desired due date for service.

CLEC with BellSouth. Executive sessions have been conducted to communicate SMNI's problems and solicit BellSouth's support in resolving the performance and underlying process issues. Nonetheless, despite the executive attention devoted to these matters, SMNI continues to experience problems that impair its ability to enter the local exchange market in Florida on a broader scale because of the resulting increased customer acquisition costs and negative impact on the Sprint brand name.

61. BellSouth has repeatedly failed to return FOCs within 48 hours of order receipt as has been committed to SMNI by BellSouth's account team. As a result, SMNI personnel must expend significant time repeatedly calling BellSouth to check on the status of the FOCs. The necessity for manual intervention significantly increases SMNI's operational costs. Moreover, BellSouth's failure to provide SMNI with FOCs in a timely manner makes it impossible for SMNI to confirm to its customers that their desired due dates can be met. This harms SMNI's reputation as a reliable service provider and impedes its ability to establish itself as a quality competitive local exchange service provider.

62. A letter communicating Sprint's concerns with BellSouth's failure to meet its 48-hour FOC commitment was sent to Carol Jarman, Assistant Vice President- BellSouth and leader of the Sprint account team. This April 18, 1997 letter is attached as Exhibit "A". Ms. Jarman responded in a letter dated April 25, 1997, Exhibit "B", indicating that BellSouth was adding resources to meet the 48-hour commitment. In a May 1, 1997 letter, attached as Exhibit "C" to this affidavit, Mr. George Head, Sprint's Vice President- Local Market Integration, wrote to BellSouth's Mr. Joe Baker, Vice President- Interconnection Sales, to express his concerns regarding BellSouth's failure to meet its 48-hour FOC commitment.

Mr. Baker's response, dated May 5, 1997 and attached as Exhibit "D", once again reaffirmed BellSouth's commitment to meeting the 48-hour interval for returning FOCs. On June 24, 1997, at Sprint's request, Sprint and BellSouth met at BellSouth's Birmingham, Alabama offices to discuss current process improvement procedures being implemented by BellSouth to meet its obligations to SMNI, including the provision of timely and accurate FOCs.

63. Despite all of the meetings and correspondence exchanged between SMNI and BellSouth, SMNI continues to experience problems in obtaining timely and accurate FOCs.

64. Attached as Exhibit "E" is a chart showing data compiled since April, 1997, in connection with late FOCs. In April, 1997, 95 percent of the FOCs returned from BellSouth were received by SMNI beyond the 48-hour commitment. In May 1997, 50 percent did not meet the 48-hour commitment. In June, 73 percent did not meet the commitment. In July, 40 percent were late and in August, 46 percent were late. In September, 42 percent did not meet the 48-hour commitment.

Cutover Problems

65. BellSouth has, on numerous occasions, taken customers out of service in error in conjunction with the service conversion process. This has resulted in lost business and serious operational disruption for SMNI's business customers. It has also damaged SMNI's credibility as far as its ability to successfully manage the service conversion process.

66. These service interruptions are associated with the process of migrating customers from BellSouth to SMNI service. In the current process to provision services using unbundled

local loops secured from BellSouth, BellSouth issues its own internal orders to disconnect the customer's BellSouth service immediately prior to the activation of and turn-up of the local loop, enabling the "new" service to be provided by SMNI. When a cutover is delayed, BellSouth must cancel the previous disconnect order and reissue a new disconnect order with a revised due date. On numerous occasions, BellSouth has failed to cancel a disconnect order and reissue a new disconnect order resulting in the customer's service being disconnected prior to the cutover to SMNI. On other occasions, BellSouth has been unable to stop service disconnection orders from being processed through its systems when the need to reschedule is discovered too close to the scheduled cutover date. The result is that the customer's service is disconnected before the "new" service elements are ready to be activated. Customers have endured total service outages for hours at a time and in some cases, total service restoration has taken days to be accomplished.

67. On May 6, 1997, BellSouth postponed a customer's cutover to SMNI due to BellSouth's lack of facilities. The customer had been scheduled to migrate service to SMNI on this same day. SMNI rescheduled the migration internally and with the customer for June 16, 1997 at BellSouth's request. However, BellSouth failed to revise the due dates on its internal orders and the customer was disconnected on May 6, 1997. The customer's service was restored by BellSouth later that day.

68. Another customer scheduled to convert his service to SMNI on May 9, 1997. This was the third conversion date set for this customer due to BellSouth's inability to accomplish the cutover on two previously scheduled occasions. On May 9, 1997, BellSouth once again notified SMNI of the need to reschedule the service conversion. BellSouth, however, failed

to properly revise its internal orders and the customer was taken out of service in error on May 9, 1997. Several lines were restored that same day but multiple lines remained out of service. BellSouth subsequently determined that one line had been wired to the wrong equipment and another line had a broken jumper at the BellSouth central office. SMNI testing revealed additional problems with the customer's rotary lines. It took two additional days for BellSouth to resolve all of the problems associated with this conversion.

69. On May 22, 1997, BellSouth disconnected another customer after it postponed the customer's migration of service. Numerous lines within a rotary group were disconnected. They were reconnected the next day, May 23, 1997.

70. On May 29, 1997, BellSouth disconnected several lines prior to the scheduled start time for the customer's migration to SMNI, scheduled for that day. That customer's lines were not fully restored until June 3, 1997. On June 4, 1997, BellSouth disconnected the customer's lines again. They were not restored until later the same day.

71. The examples noted above represent only a small fraction of the service disconnection occurrences that SMNI customers have endured. They typify a BellSouth process problem that has existed since SMNI began placing unbundled loop orders with BellSouth in July, 1996.

72. BellSouth has suggested that late notification by SMNI of the need for a cutover delay is responsible for disrupting the conversion process and, consequently, BellSouth cannot be held responsible for the untimely disconnection of the customer's service. Notwithstanding BellSouth's assertions that cutover delays are SMNI's fault, the facts demonstrate that the majority of the cutover delays result from last minute notification from BellSouth that